

## **EXHIBIT A**

ORIGINAL

Approved: William C. Komaroff  
WILLIAM C. KOMAROFF  
Assistant United States Attorney

Before: HONORABLE HENRY PITMAN  
United States Magistrate Judge  
Southern District of New York

07 MAG 1252

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UNITED STATES OF AMERICA  
:

- v. -  
:

MICHAEL DEDE,  
a/k/a "Bart,"  
a/k/a "Sunshine,"  
:

Defendant.  
:  
:  
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SEALED COMPLAINT

Violation of  
21 U.S.C. § 846

COUNTY OF OFFENSE:  
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS E. GERGLEY, being duly sworn, deposes and says that he is a Detective in the New York City Police Department, and charges as follows:

COUNT ONE

1. From at least in or about 2004 through in or about August 2006, in the Southern District of New York and elsewhere, MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

3. I am a Detective in the New York City Police Department ("NYPD"), and I have been personally involved in the investigation of this matter. This affidavit is based upon my

own observations, my conversations with other law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. On or about August 22, 2006, two co-conspirators, not named as defendants herein, ("CC-1" and "CC-2") were arrested in the Bronx, New York.

5. CC-1 has pled guilty in federal court, pursuant to a cooperation agreement, to conspiring to distribute heroin in the Bronx and elsewhere. CC-1 is providing information in hopes of receiving a reduced sentence. The information provided to date by CC-1 has in many instances been corroborated and has proven to be reliable.

6. According to CC-1, MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, supplied him with heroin in various periods, including from in or about 2004 through August 2006. Typically, DEDE supplied the heroin in bulk, i.e. not packaged for retail sale. According to CC-1, he and CC-2 would obtain heroin from DEDE in amounts ranging from 100 to 700 grams at a time 4 to 5 times a month. CC-1, CC-2 and others would package the heroin into retail amounts and supply this heroin to street level drug spots throughout the Bronx and Manhattan. DEDE charged between \$65 and \$68 dollars per gram, and provided the heroin to CC-1 and CC-2 on consignment.

7. According to CC-1, MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, drove, among other automobiles, a Silver Dodge Durango. In addition, CC-1 indicated that on several occasions, he met with DEDE to pick up heroin and drop off money in the vicinity of 2803 Morris Avenue, Bronx, New York.

8. CC-1 was shown a photo array containing a picture of MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant. CC-1 identified DEDE as "Michael Dede" and indicated that he also knew the defendant as "Bart" and "Sunshine."

9. CC-2 has also pled guilty in federal court, pursuant to a cooperation agreement, to conspiring to distribute heroin in the Bronx and elsewhere. CC-2 is providing information in hopes of receiving a reduced sentence. The information provided to date by CC-2 has in many instances been corroborated

and has proven to be reliable.

10. According to CC-2, MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, supplied him and CC-1 with heroin on a regular basis. CC-2 estimated that DEDE supplied on average about 200 to 500 grams at a time.

11. CC-2 identified 219 Bronx River Road, apartment 3-H, Yonkers, New York as a location at which he sometimes met DEDE to pick up drugs and drop off money in payment for drugs. Based on a law enforcement database I have consulted, 219 Bronx River Road, apartment 3-H, Yonkers, New York is the residence of "Michael Dede" and "Cynthia Diaz." According to both CC-1 and CC-2, Cynthia Diaz resides with DEDE.

12. CC-2 was shown a photo array containing a picture of MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant. CC-1 identified DEDE as "Michael Dede" and also indicated that he knew DEDE as "Bart". CC-2 also indicated that he has observed DEDE driving a newer model Silver Dodge Durango.

13. According to both CC-1 and CC-2, when they needed to communicate with DEDE concerning drug transactions, CC-1 typically placed calls from pay phones to DEDE at telephone number 646-372-0913 (the "Defendant's Cellphone"), and CC-2 typically used his cellphone to communicate with DEDE at the same telephone number via the point-to-point feature of his cellphone.

14. I have reviewed telephone company records for the Defendant's Cellphone. The phone is subscribed in the name "Cynthia Diaz" at 219 Bronx River Road, apartment 3-H, Yonkers, New York. For the period July 2005 through August 2006, there were approximately 216 point-to-point calls between the Defendant's Cellphone and the telephone used by CC-2. According to those same records, from November 2004, through August 2006, there were approximately 355 standard calls between the Defendant's Cellphone and the telephone used by CC-2.

15. On or about June 12, 2006, a fellow detective ("Detective #1") was conducting surveillance of CC-1, who was driving. He followed CC-1 to the vicinity 2803 Morris Avenue, Bronx, New York. There, CC-1 got out of his vehicle and met with an individual in a 2005 Gray Dodge Durango with New York registration number AUW 4865. Detective #1 observed the two have a 10 minute conversation and then observed CC-1 get out of the Durango and drive away in his own vehicle. I subsequently showed Detective #1 a photo array containing photographs of six individuals, included MICHAEL DEDE, a/k/a "Bart," a/k/a

"Sunshine," the defendant, and Detective #1 identified DEDE as the individual he observed meet with CC-1 on or about June 12, 2006. The Durango with NY registration AUW 4865 is registered to "Cynthia Diaz," 219 Bronx River Road, apartment 3-H, Yonkers, New York.

WHEREFORE, deponent prays that a warrant be issued for the arrest of MICHAEL DEDE, a/k/a "Bart," a/k/a "Sunshine," the defendant, and that he be arrested, imprisoned or bailed, as the case may be.



THOMAS E. GERLEY  
DETECTIVE

NEW YORK CITY POLICE DEPARTMENT

JUL 31 2007

Sworn to before me this  
11 day of July 2007

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

HENRY PITMAN  
United States Magistrate Judge  
Southern District of New York